



For Immediate Release
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Contact: Hilda Marella Delgado
(562) 927-1200

Legislation to Eliminate Discriminatory Language in Property Documents Passes Assembly

Sacramento, Calif. – By a vote of 69-0, the Assembly passed Assembly Bill 985 with bipartisan support, authored by Assemblymember Hector De La Torre (D-South Gate), which removes discriminatory language from any document related to the title of a house.

While some restrictive covenants are beneficial and only intend to preserve some aspect of a property and its surrounding environment, others have a dark history. Restrictive covenants restricted the sale of property to members of specific ethnic, religious or other groups.

“It is unbelievable that offensive language is still allowed to remain in housing documents,” said De La Torre. “Although the language is often hidden away, there is no justifiable reason to simply ignore this hurtful language as if it does not exist. This legislation will wipe out the legacy of discriminatory language remaining in legal papers.”

Under current law, homeowners may request that the language be stricken. However, few Californians are aware of this option and find the process burdensome and too difficult to navigate. In fact, Sacramento County only had eleven homeowners take advantage of this option since the law took effect in 2006, when it is estimated that there are hundreds of thousands of such discriminatory restrictive covenants statewide.

“Though legally unenforceable, restrictive covenants continue to foster this discrimination. They send the message that discrimination is permissible, when in fact it’s illegal. It is imperative to get this language removed,” said Marjorie Murray, President of the Center for California Homeowner Association Law. “Our Center routinely documents discrimination against seniors, the disabled, and members of the ethnic communities listed in racially-restrictive covenants.”

Assembly Bill 985 will require title insurance companies to strike this unnecessary language instead of relying upon complaints being made by an owner. This language must be removed from all copies of documents upon transfer to a new owner of the property. The bill will prompt the state to take a systematic approach to removing this unnecessary language, instead of relying upon weakly executed systems of review that are currently in place.

Assembly Bill 985 now moves to the state senate for review.

Background:

In the *Shelley v. Kraemer* (1948) decision, the United States Supreme Court ruled that discriminatory restrictive covenants were unenforceable because these provisions were used for segregationist purposes. Although they are now void, these covenants remain in living deed instruments and other documents, serving as painful reminders of past practices of a divided California.